

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1-39 (cancelled)

40. (Currently amended) A food product server for holding and displaying food products, the product server comprising  
 a front customer side,  
 a rear employee side, ~~and~~  
a cabinet having a recess for supporting food serving pans  
for holding said food products, and

a breath guard attached to the product server generally near the front customer side of the product server for pivotal movement between a lowered substantially horizontal position for covering said food products held by the product server and a raised position in which the breath guard is configured to provide a barrier to contamination of the food products by customers on the customer side of the server while allowing access to said food products from the employee side of the breath guard;

said breath guard being sufficiently transparent to allow viewing of the food products held in the food product server;

a first extensible and retractable power assist device biased toward a position for applying a lifting force to said breath guard to assist in moving it toward said raised position; and

a second extensible and retractable power assist device not biased toward a position but adapted for resisting movement of the breath guard from its raised position to its lowered

position thereby providing controlled downward movement of the breath guard,

wherein said first and second power assist devices are mounted such that they do not extend into said recess as the breath guard is moved between said raised and lowered positions.

41. (Previously presented) A food product server as set forth in claim 40 wherein the lifting force exerted by said first power assist device on said breath guard has a vertical component which increases as the breath guard is raised.

42. (Currently amended) A food product server as set forth in claim 40 wherein said product server comprises ~~a cabinet and~~ a frame mounted on the cabinet, ~~and~~ said frame comprising a pair of upright side frame members extending up from the cabinet at opposite sides of the frame, said first power assist device having ~~comprising a cylinder and a rod having respective~~ ~~eylinder and rod~~ connections with said breath guard and said cabinet, and said second power assist device having ~~comprising a~~ ~~eylinder and rod having respective~~ ~~cylinder and rod~~ connections with said breath guard and one of said upright side frame members.

43. (Previously presented) A food product server as set forth in claim 40 wherein said second power assist device is positioned toward the front customer side of the product server and comprises a cylinder having a connection with said upright side frame member and a rod having a connection with said breath guard, and the first power assist device is positioned between the second power assist device and the rear employee side of the product server and comprises a cylinder having a connection with

said cabinet and a rod having a connection with said breath guard.

44. (Previously presented) A food product server as set forth in claim 43 wherein the first power assist device is a gas spring and the second power assist device is a cylinder with a piston having a flow restricting hole therein.

45. (Previously presented) A food product server as set forth in claim 44 wherein said first power assist device is configured such that the breath guard has a self-rise angle between about ten degrees and about forty degrees from horizontal.

46. (Previously presented) A food product server as set forth in claim 40 wherein said breath guard is pivotable from its lowered position to an intermediate position by application of a manual lifting force and is pivotable from its intermediate position to its raised by position by a lifting force of the first power assist device.

47. (Currently amended) The product server as set forth in claim 40 ~~further comprising a cabinet having a counter top~~ surface adjacent the employee side of the product server for the preparation of food orders.

48. (Currently amended) The product server as set forth in claim 47 ~~further comprising recess in said cabinet for receiving a plurality of food pans, wherein~~ said breath guard ~~being is~~ is configured such that when it is in its lowered position it overlies the food pans but not said food preparation ~~counter top~~ surface adjacent the employee side of the product server.

49. (Currently amended) The product server as set forth in claim 48 further comprising ~~a cabinet and~~ an upper frame extending up from the cabinet near the front customer side of the product server, said upper frame comprising upright side frame members at opposite sides of the upper frame, and side panels on the upright side frame members at opposite sides of the upper frame, said breath guard being disposed between said upright side frame members and between said side panels when the breath guard is in its raised and lowered positions.

50. (Currently amended) The product server as set forth in claim 40 further comprising ~~a cabinet and~~ an upper frame extending up from the cabinet near the front customer side of the product server, said upper frame comprising upright side frame members at opposite sides of the upper frame, and side panels on the upright side frame members at opposite sides of the upper frame, said breath guard being disposed between said upright side frame members and between said side panels when the breath guard is in its raised and lowered positions.

51. (Previously presented) A food product server as set forth in claim 50 wherein said upper frame further comprises a shelf spaced above said cabinet, and wherein said breath guard and said first and second power assist devices are disposed entirely below the shelf when the breath guard is in said raised position.